

TABLE OF CONTENTS

| | PAGE |
|--|------|
| EXECUTIVE SUMMARY Click Here To View | i |
| INTRODUCTION | 1 |
| Department Budget | 2 |
| Department Organization | 5 |
| Department Overtime | 10 |
| Hours Of Work | 11 |
| Overtime Compensation | 11 |
| Accumulation Of Vacation Leave And Compensatory Time Off | 11 |
| Call-Back Pay And Court Appearances | 12 |
| Standby Duty | 13 |
| Reasons For Overtime | 13 |
| SCOPE AND METHODOLOGY | 15 |
| FINDING I - POLICY AND BUDGETARY DECISIONS ARE NEEDED TO ADDRESS THE POLICE DEPARTMENT'S \$6 MILLION IN ACCUMULATED COMPENSATORY TIME OFF | 16 |
| The Police Department Has A Large Compensatory Time Off Liability | 17 |
| The Department's Overtime Is Difficult To Control Or Reduce Administratively | 18 |
| <i>End-Of-Shift Overtime</i> | 19 |
| <i>Court Overtime</i> | 21 |
| <i>Follow-Up Overtime</i> | 21 |
| <i>Training Overtime</i> | 22 |
| <i>Standby And Call-Back Overtime</i> | 23 |

| | |
|--|-----------|
| <i>Planned Overtime</i> | 24 |
| <i>Non-Sworn Overtime</i> | 24 |
| Other Overtime | 25 |
| <i>Questionable Use Of Overtime</i> | 26 |
| The Department's Overtime Budget Is Inadequate | 26 |
| The Police Department's Leave Accumulation Policy Contributes To The Compensatory Time Off Problem | 29 |
| Compensatory Time Off Policy Has Had A Significant Effect On Manpower | 32 |
| Effects Of Lost Staff Time | 33 |
| Compensatory Time Off Policies Affect Morale | 34 |
| Policy Changes Needed | 35 |
| CONCLUSION | 37 |
| RECOMMENDATIONS | 38 |
| FINDING II - THE DEPARTMENT NEEDS TO IMPLEMENT ADDITIONAL CONTROLS OVER PAID OVERTIME AND COMPENSATORY TIME OFF ACCUMULATIONS | 40 |
| The Department's System Of Control Needs Improving | 40 |
| Need For More Accountability | 41 |
| The Police Department Should Implement Controls To Improve Its Overtime Authorization Process | 42 |
| CONCLUSION | 43 |
| RECOMMENDATION | 44 |
| FINDING III - AN OPPORTUNITY EXISTS FOR THE DEPARTMENT TO REDUCE ITS OVERTIME USAGE | 46 |
| An Opportunity Exists To Minimize Lost Staff Time At Valley Medical Center | 46 |

| | |
|---|--|
| CONCLUSION | 48 |
| RECOMMENDATIONS | 49 |
| OTHER PERTINENT INFORMATION | 51 |
| ADMINISTRATION'S RESPONSE | Click Here To View |
| APPENDIX A | Click Here To View |
| OFFICE OF THE CITY AUDITOR | |
| CITY OF SAN JOSE | |
| POLICE DEPARTMENT OVERTIME SURVEY | A-1 |
| APPENDIX B | Click Here To View |
| | B-1 |

INTRODUCTION

In accordance with the City Auditor's 1988-89 workplan, we evaluated the controls the San Jose Police Department (Department) uses to manage its overtime. Our audit was conducted in accordance with generally accepted government auditing standards.

The City of San Jose Police Department's mission is to prevent crime and disorder; to preserve peace, community safety and well-being; to protect life and property and individual freedom for personal safety and well-being through the enforcement of State laws and City ordinances. To accomplish its mission, the Department provides a variety of police services through 24-hour patrol of the City. Specifically, the Department responds to calls for police service; deters crime by maintaining visible patrol; detects, apprehends, and processes persons suspected of criminal activity; recovers and returns lost or stolen property; and ensures the safe movement of vehicular and pedestrian traffic. In addition, the Department analyzes crimes to determine the feasibility of follow-up investigations. The Department investigates those cases it deems solvable including cases involving the sale, distribution, and use of illegal narcotics; cases involving the possession of stolen goods; cases involving sex crimes; and crimes committed by, against, or involving juveniles. In addition, the Department maintains records and crime statistics which it uses in its crime prevention and detection activities. Finally, the Department has other programs to assist its police efforts. These programs include recruitment, selection, and screening programs to ensure high quality personnel; the maintenance of

personnel records; the development and presentation of training programs; photographic lab services; and the maintenance of fiscal and property control systems.

Department Budget

To achieve its mission, the Department was budgeted \$84.2 million in 1988-89. Of the \$84.2 million, \$76.5 million is for personal services, \$7.6 million is for non-personal expenses, and \$138,207 is for equipment. The Department's budget is allocated to its five program units as is shown in TABLE I below:

TABLE I
SUMMARY OF THE POLICE DEPARTMENT'S
1988-89 BUDGET BY PROGRAM

| <u>Program</u> | <u>Budget Components</u> | | | |
|-----------------------------|--------------------------|------------------------------|------------------|---------------------|
| | <u>Personal Services</u> | <u>Non-Personal Expenses</u> | <u>Equipment</u> | <u>Total</u> |
| Management and Analysis | \$ 2,936,874 | \$ 228,400 | | \$ 3,165,274 |
| Administrative Services | 3,597,255 | 924,420 | | 4,521,675 |
| Operations Support Services | 5,174,267 | 1,009,700 | | 6,183,967 |
| Investigative Services | 11,634,674 | 720,750 | 80,907 | 12,436,331 |
| Field Services | <u>53,108,511</u> | <u>4,710,674</u> | <u>57,300</u> | <u>57,876,485</u> |
| TOTALS | <u>\$76,451,581</u> | <u>\$7,593,944</u> | <u>\$138,207</u> | <u>\$84,183,732</u> |

As TABLE I demonstrates, the Department's personal service expenses account for \$76.5 million of its \$84.2 million budget. TABLE II below summarizes the personal service expense categories for 1988-89.

TABLE II
SUMMARY OF THE POLICE DEPARTMENT'S
PERSONAL SERVICES BUDGET

| <i><u>Personal Services</u></i> <i><u>Categories</u></i> | <i><u>Budgeted Amounts</u></i> | <i><u>Percent of Total</u></i> <i><u>Personal Services Budget</u></i> |
|---|---------------------------------------|--|
| Salaries | \$56,227,527 ¹ | 73.55% |
| Overtime: | | |
| City Funded | 845,034 | 1.10 |
| Grant Funded | 149,744 | .20 |
| Contracted Services | 29,880 | .04 |
| Vacancy Savings | <u>-560,945</u> | <u>-.73</u> |
| Subtotal Salaries | <u>\$56,691,240</u> | <u>74.16</u> |
| Retirement | \$13,134,382 | 17.18 |
| Other Fringe Benefits | <u>6,625,959</u> | <u>8.66</u> |
| Subtotal Fringe Benefits | <u>19,760,341</u> | <u>25.84</u> |
| TOTALS | <u>\$76,451,581</u> | <u>100%</u> |

The salary component of the Department's personal services budget includes the base salaries of all sworn and non-sworn personnel, and any adjustments to their base salaries. Sworn personnel may receive several pay adjustments to their base pay. For example, one such adjustment is holiday premium pay. Under the current Memorandum of Agreement (MOA) between the City and the Peace Officers Association (POA), all sworn

¹ Includes \$96,100 in compensatory time off pay outs for separated employees.

personnel receive an additional 5.623 percent above their base pay for working holidays that fall on their normal work day. Holiday premium pay is discussed further as Other Pertinent Information beginning on Page 51.

Another pay adjustment for which all sworn personnel are eligible is for completing Peace Officers Standards and Training (POST) requirements. Under the current MOA, officers awarded an intermediate POST certificate receive approximately 5% above their base pay. In addition, officers receiving an advanced POST certificate receive approximately 7.5% above their base pay.

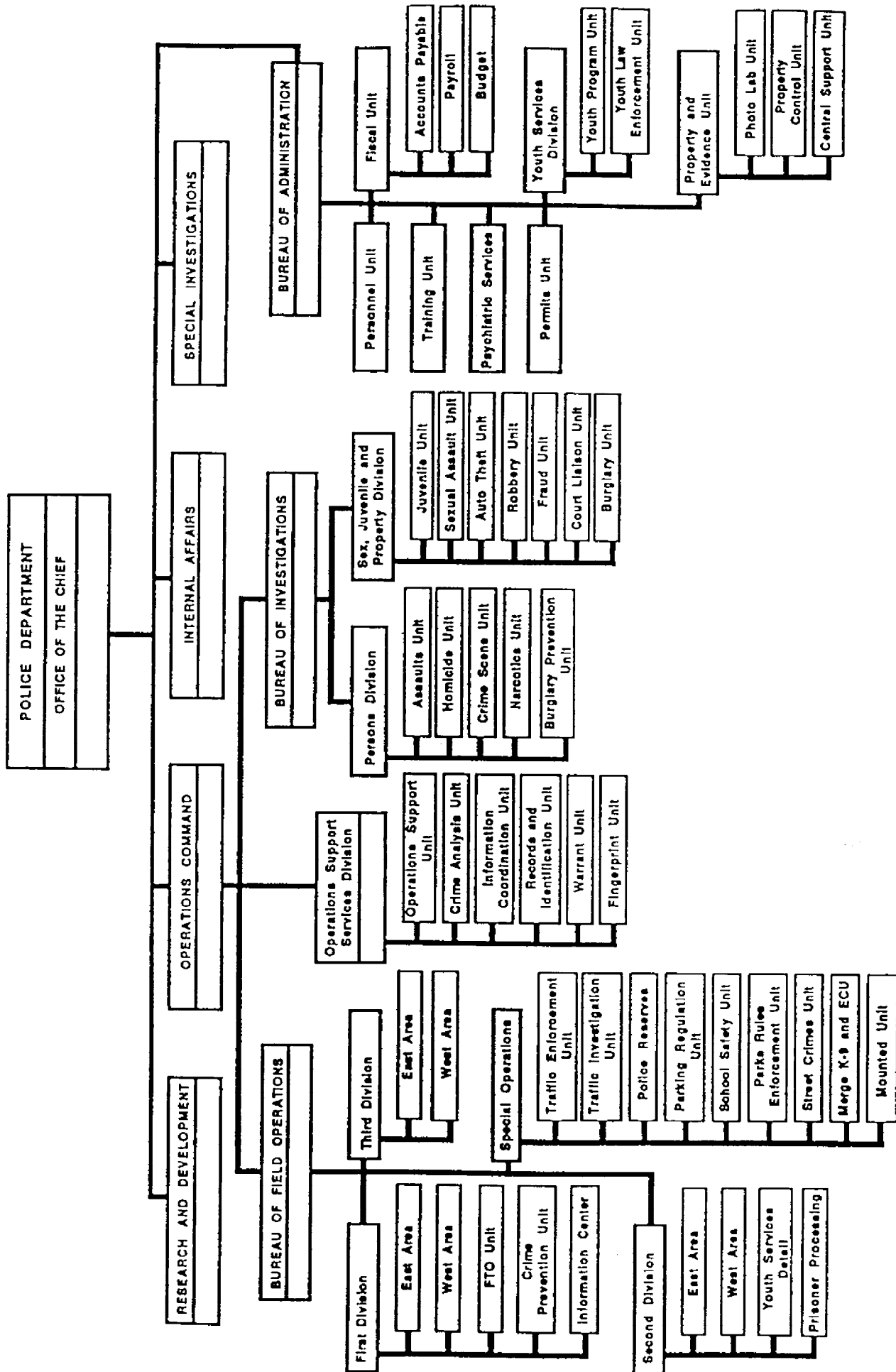
Officers also receive pay adjustments for special duty assignments. For example, officers assigned to the Motorcycle Unit, the Bomb Squad, the Canine Unit, the Mobile Emergency Response Group and Equipment (MERGE), the Air Surveillance Unit, the Mounted Unit, and the Field Training Unit, receive a 5% increase above their base pay. In addition, bilingual officers receive an additional \$21.00 per pay period.

As TABLE II indicates, the Department is budgeted \$994,778 for overtime in 1988-89. This amount is an increase of approximately \$187,000 over 1987-88's adopted level of \$807,700. However, the additional funds are primarily grant monies that are to be used for specific purposes which will increase the Department's overtime hours. For example, of the \$187,000 in increased overtime budget, \$147,411 was from a Federal Anti-Drug Abuse grant to fund the Narcotics Enforcement Task Team. This grant requires the Department to dedicate extra staff to work on this program and provides funds to pay overtime to backfill the dedicated positions.

Department Organization

The Police Department is currently authorized 1,326 positions - 1,018 sworn and 308 non-sworn. In addition, it has one contract position. The Police Department is organized into three bureaus: 1) the Bureau of Field Operations (BFO); 2) the Bureau of Investigations (BOI); and 3) the Bureau of Administration (BOA). Both BFO and BOI, as well as the Operations Support Services Division, report to Operations Command which is under the direction of the Assistant Police Chief. The BOA reports directly to the Chief of Police. Besides BOA, four other units: 1) Research and Development; 2) Operations Command; 3) Internal Affairs; and 4) Special Investigations, also report directly to the Chief of Police. TABLE III below shows the Department's organization chart.

TABLE 111



The Bureau of Field Operations is the largest bureau with 886.5 positions, 782 sworn and 104.5 non-sworn. BFO is comprised of four divisions: First Division, Second Division, Third Division, and Special Operations. The First, Second, and Third Divisions patrol the 60 beats in the City's 12 districts. The Divisions are responsible for the day shift, swing shift, and midnight shift, respectively.

The Special Operations Division is responsible for the following units:

- Traffic Enforcement
- Traffic Investigations
- Police Reserves
- Parking Regulations
- School Safety
- Park Rules Enforcement
- Street Crimes
- MERGE, Canine (K-9), and Explosives Control Unit (ECU)
- Mounted Patrol.

The Bureau of Investigations is the second largest bureau with 183.5 positions, 160 sworn and 23.5 non-sworn. In addition, it has one contract position. The Bureau is divided into two divisions: 1) the Persons Division; and 2) the Sex, Juvenile, and Property Division. Units within the Persons Division are responsible for investigating crimes against persons. These units are as follows:

- Assault
- Homicide
- Crime Scene
- Narcotics
- Burglary Prevention

Similarly, the Sex, Juvenile, and Property Division is comprised of units responsible for investigations of sex, property, and juvenile crimes. The Division's units are as follows:

- Juvenile
- Sexual Assaults
- Auto Theft
- Robbery
- Fraud
- Court Liaison
- Burglary

The Bureau of Administration has 74 budgeted positions, 31 sworn and 43 non-sworn. The Bureau performs typical administrative activities. These services include recruitment, hiring, training, and other personnel functions; fiscal control; and property control. The Bureau is organized into functional units to perform the above services. The Bureau's units are as follows:

- Personnel
- Training
- Property and Evidence
- Fiscal
- Permits
- Psychiatric Services
- Youth Services

The Operations Support Services Division (OSS) has 133 budgeted positions, 15 sworn and 118 non-sworn. OSS is comprised of six units:

- Operations Support Services
- Crime Analysis
- Information Coordination
- Records and Identification

- Warrants
- Fingerprints

The Division maintains records to provide the public and law enforcement agencies with information pertaining to persons, stolen vehicles, emergency business directories, stolen property, gun registrations, and other areas. The Police Department uses this information to identify, apprehend, and prosecute suspects, and to return lost or stolen property.

In addition to the above organizational units, 49 staff, 30 sworn and 19 non-sworn, are assigned to the Management and Analysis budget unit. The four units within Management and Analysis are as follows:

- Research and Development
- Internal Affairs
- Special Investigations
- Operations Command

These units perform a variety of activities. Specifically, the Research and Development Unit provides long and short range plans, compiles crime statistics, develops policies and procedures, and disseminates information to the City Council, the City Manager, and the public. Internal Affairs accepts, records, and investigates citizen complaints, Department initiated investigations, and shooting-related incidents. The Special Investigations Unit performs intelligence and vice operations. Operations Command provides management oversight over the Bureau of Field Operations, Bureau of Investigations, and the Operations Support Services Division.

Department Overtime

The City of San Jose's Police Department has traditionally incurred a significant amount of overtime. For example, during 1986-87, the Department worked a total of 191,265 hours of overtime. Although the Department decreased its overtime usage in 1987-88, it still worked 177,245 hours of overtime. In 1986-87, the Department paid for 27,953 hours worked, and the remainder, 163,312 hours, was logged as compensatory time off. Similarly, in 1987-88, the Department paid for 37,505 hours of overtime and 139,740 hours were logged as compensatory time off. As a consequence, many Department employees have large compensatory time off balances. For example, as stated in a recent City Auditor report, as of December 31, 1987, 32 Department employees had compensatory time off balances in excess of 1,000 hours and Department employees had 462 of the top 500 individual compensatory time off balances in the City.

Labor negotiations between the City of San Jose and the San Jose Peace Officers Association (POA) have had a significant impact on overtime issues in the Police Department. The MOA between the City and the POA addresses virtually all aspects of the covered unit's employment with the Department. Following is a summary of those pertinent sections of the MOA including:

- Hours of work,
- Overtime compensation,
- Accumulation of vacation leave and compensatory time off,
- Call-back pay and court appearances, and
- Standby duty.

Hours Of Work

Police employees may be assigned to four days of ten hour shifts (4/10) or five days of eight hour shifts (5/8). Employees assigned to the 4/10 shift work on patrol activities. These employees are given three consecutive days off. Those employees working the 5/8 shift receive two consecutive days off.

Overtime Compensation

When employees are required or authorized to work overtime in excess of their normal shift, they may request either to be paid overtime (at 1.5 times their base salary), or they may receive compensatory time off credit. No overtime compensation is paid for overtime worked which does not exceed thirty minutes per day.

Accumulation Of Vacation Leave And Compensatory Time Off

The MOA limits the amount of vacation leave sworn personnel can carry over to the next year; however, no such limitation exists for the accumulation of compensatory time off. The MOA states that officers cannot carry over more than 120 hours of unused vacation leave. However, a similar provision for compensatory time off was changed in 1981. Since 1981, sworn personnel have been allowed to accrue an unlimited amount of compensatory time off.

The MOA does, however, allow the Department to require employees to take off to reduce their compensatory time balances, subject to the following conditions:

1. The City shall give at least thirty days notice to the employee being ordered to take time off.
2. No employee shall be required to reduce their balance below 240 hours without the approval of the employee.
3. The order shall be uniform by percentage, as to all employees within a Bureau who have less than 500 hours of accrued compensatory time.

Call-Back Pay And Court Appearances

Employees who have completed their shift, left the premises, and are subsequently called back to work are entitled to overtime. These employees are compensated for the actual hours worked at the appropriate rate or three hours at the appropriate rate, whichever is greater. No employee is entitled to more than one three-hour minimum for call-back per working day.

Employees required to appear in court are compensated as follows:

1. For court appearances prior to the employee's normal shift, the employee receives overtime compensation for the actual time spent, or two hours, whichever is greater.
2. For court appearances on the employee's scheduled day off, the employee receives overtime compensation for the actual hours spent in court or three hours, whichever is greater.

Standby Duty

Employees assigned to certain units are regularly required to perform standby duty. That is, these employees are on-call and may be required to respond to questions or return to work. These employees receive two hours credit if they are on standby on a regular work day. For standby duty assigned on a regularly scheduled day off, the employee receives three hours credit. Units covered by the standby provision are the: 1) the Sexual Assault Investigations Unit, 2) the Homicide Detail, 3) the Crime Scene Unit, 4) the Bomb Squad, 5) Air Surveillance, and 6) Internal Affairs Unit.

The majority of the Department's overtime occurs in the two bureaus with most of the Department's sworn staff--Field Operations and Investigations. These two bureaus account for approximately 82% of the Department's overtime. Moreover, the employees in these two bureaus also have the largest compensatory time off balances.

Reasons For Overtime

The Department incurs overtime for a variety of reasons. Some of the more frequent causes of overtime for sworn personnel are end-of-shift work, court appearances, follow-up investigations, training, standby, planned, and other overtime. In addition, the Department's non-sworn personnel also earn overtime. The causes for overtime are discussed in detail in FINDING I.

SCOPE AND METHODOLOGY

We reviewed the San Jose Police Department controls for overtime. Specifically, we evaluated whether the Department's controls are adequate to provide assurance that the Department's overtime is necessary, properly authorized, and documented. In addition, we reviewed to determine if the Department has adequate controls to manage its overtime. Further, we examined the reasons why the Department incurs so much overtime, and how its various organizational units earn overtime. Finally, we surveyed the ten largest police departments in California, exclusive of San Jose, to determine how they administer overtime.

In conducting this audit, we interviewed the Department's management, other Department personnel, and numerous Department police officers. We also interviewed representatives from the District Attorney's office and officials from other police departments. We also observed police work in the field with both patrol and special units, at the City's preprocessing facility, at the Main County Jail, the Elmwood Facility, Valley Medical Center, and the Municipal Court. Furthermore, we reviewed the Department's timesheets and other records related to overtime. Finally, we sent questionnaires to the ten largest police departments in the State to determine how they administer overtime. (See Appendix A for the questionnaire and Appendix B for the results of our survey).

FINDING I

POLICY AND BUDGETARY DECISIONS ARE NEEDED TO ADDRESS THE POLICE DEPARTMENT'S \$6 MILLION IN ACCUMULATED COMPENSATORY TIME OFF

The San Jose Police Department's accumulated compensatory time off has grown to the point where it exceeds \$6 million and represents nearly 90% of the City's total compensatory time off liability. Our review revealed that three of the primary causes for the Department's inordinately high compensatory time off balances are:

- High occurrences of overtime are intrinsic to police work and to a large extent unavoidable.
- Unlike the ten major California cities we surveyed, San Jose has not adequately addressed its Police Department overtime budgetary needs.
- San Jose has the least restrictive compensatory time off accumulation policy of the ten major California cities we surveyed.

In order to address accumulated compensatory time off balances, the Police Department has implemented certain policies regarding mandatory leave. Our review revealed that these leave policies have slowed the rate of growth of compensatory time off balances. However, our review also revealed that these policies, coupled with requested compensatory time off, effectively reduced Police Department services by approximately 100 staff years in 1987-88. As a result, morale in the Department has suffered and both police officers and citizens are exposed to a greater degree of risk.

Accordingly, the City of San Jose needs to develop a policy regarding Police Department accumulated compensatory time off and provide the budgetary means to implement it.

**The Police Department Has
A Large Compensatory Time Off Liability**

The San Jose Police Department incurs high levels of compensatory time off, thus adding to the City's compensatory time off liability.

Specifically, in 1987-88, Department employees earned 177,245 hours of overtime; yet, the Department's overtime budget of approximately \$1 million paid for only 37,505 of those overtime hours. The remaining 139,740 hours were earned as compensatory time off. In 1986-87, the Department's overtime usage and the disparity between the overtime hours incurred and paid overtime was even greater. Specifically, Department employees earned 191,265 hours of overtime, of which 27,953 hours were paid and 163,312 hours were earned as compensatory time off.

The heavy reliance on compensatory time off as a substitute for paid overtime is causing an increasingly large compensatory time off liability. As reported in the City Auditor's report entitled, "A Review Of The City's Payroll Transactions Overtime Expenditures," the Police Department's compensatory time off liability at the end of 1987 was approximately \$5,518,000. Through the first 18 pay periods of 1988, this liability has increased by approximately \$336,000 to \$5,854,000. Moreover, this liability increased by approximately five percent on October 2, 1988 when all sworn personnel received a five percent cost-of-living increase. We estimate that

this increased the Department's compensatory time off liability by another \$286,000 to \$6,140,000.

Promotions in the Department should also have a significant effect on the compensatory time off liability. Specifically, any sworn personnel promoted will have their individual compensatory time off liability increased by approximately five percent. During the next year, the Department should have a higher than the normal number of promotions because of staffing increases and the retirement of the Assistant Chief of Police.

Our review revealed that the Police Department's large compensatory time off liability is due to three primary causes. Specifically, we found the Department 1) incurs a large amount of overtime that is very difficult to control or reduce, 2) does not receive adequate funding for overtime, and 3) has the least restrictive leave accumulation policy of the other ten major California cities we surveyed.

The Department's Overtime Is Difficult To Control Or Reduce Administratively

Our review revealed that the Police Department's overtime is difficult to control or reduce administratively. Although, we identified additional controls the Department needs to implement (see FINDING II) and an opportunity for reducing its overtime usage (FINDING III), significant overtime hours in the Police Department are unavoidable. The other California cities we surveyed also experience high levels of overtime and for the same reasons that San Jose does. Seemingly, significant overtime is a normal cost of police services.

Our review of the Department's overtime usage in 1987-88 revealed that the Department incurred overtime for a variety of purposes. TABLE IV shows the eight most significant causes of overtime in the Department during 1987-88.²

TABLE IV
SUMMARY OF THE EIGHT
MOST SIGNIFICANT CAUSES OF
POLICE DEPARTMENT OVERTIME IN 1987-88

| <i><u>Cause of Overtime</u></i> | <i><u>Number of Hours</u></i> | <i><u>Percent of Total</u></i> |
|--|-----------------------------------|------------------------------------|
| End of Shift | 38,359 | 21.6 |
| Court Appearances | 25,077 | 14.2 |
| Follow-up Investigations | 11,956 | 6.7 |
| Training | 15,235 | 8.6 |
| Standby and Call-Back | 15,507 | 8.8 |
| Planned Overtime and Special Events | 16,775 | 9.5 |
| Non-sworn Overtime | 19,167 | 10.8 |
| Other | <u>35,169</u> | <u>19.8</u> |
| TOTALS | <u>177,245</u> | <u>100%</u> |

End-of-Shift Overtime

End-of-shift work results in more overtime in the Department than any other type of overtime. End-of-shift overtime occurs when officers have work remaining at the end of their shift and must complete their work before going home. Work at the end of a shift can occur for a variety of reasons.

² The figures in TABLE IV, are estimates based upon a City Auditor analysis of 841 statistically selected timesheets.

For example, on busy shifts, the officers may not have sufficient time to complete their written reports after responding to a call. Consequently, the officers complete their reports after their normal work hours. End-of-shift overtime also occurs because of high priority calls that occur near the end of the shift. In these cases, officers that respond to high priority calls near the end of their shift frequently work past their normal shift.

In our opinion, much of the end-of-shift overtime is necessary and unavoidable. For example, officers must respond to high priority calls that occur near the end of their shift regardless of any overtime consequences. In addition, we identified that some end-of-shift overtime results when an entire shift is held over because too many calls backed up to allow the shift to go home. Furthermore, we observed that end-of-shift overtime frequently occurs when calls for service are high throughout the shift. As a result, officers are not able to complete their reports until after their shift is over.

Although end-of-shift overtime is difficult to control, the Department can take additional steps to reduce it. Specifically in FINDING II, we recommend that the Department implement additional controls to help assure that all overtime is authorized and necessary. In addition, in FINDING III, we identified an opportunity to reduce end-of-shift overtime resulting from transporting arrestees to Valley Medical Center.

Court Overtime

Court overtime is another significant cause of Department overtime. Court overtime primarily occurs when officers must testify in cases in which they made an arrest. Officers working the swing and midnight shifts must come in after their regular work hours or on their days off to appear in court. Day shift officers may also be required to appear in court on their days off. As previously mentioned, the MOA requires that these officers be compensated with a minimum of two to three hours of overtime. If they must be available for more than the minimum hours, they are compensated for the total time spent in court.

Our review found that the Department has very little control over the amount of court overtime hours worked. In many instances, sworn personnel must appear in court several times before a case is heard. While this causes many hours of overtime, the Department has no control over the scheduling of court cases and in the availability of court rooms.

Follow-up Overtime

The Department's Bureau of Investigations (BOI) investigates criminal cases. The type of crimes the BOI investigates may occur at any time of the day or night and require prompt investigation. The investigators must perform detailed work in attempting to solve these cases. Frequently, suspects or witnesses must be interviewed after normal work hours. Consequently, the BOI incurs many hours of follow-up overtime. In addition, the Department occasionally has large scale investigations which

require overtime. For example, during 1987-88, the Department used many overtime hours investigating the “ski-mask rapist” case.

Follow-up overtime is another overtime area that is difficult to control without impairing the Department’s law enforcement activities. Because of the nature of police work, some of the Department’s investigative units have to work overtime to keep up with their caseloads. For example, members of the Sexual Assault Investigations Unit work overtime on a regular basis in order to keep their caseload at a manageable level. As important as this type of police activity is, the Department still needs to restrict follow-up overtime to that which is necessary and unavoidable. The Department can make progress toward that end by implementing the controls we have recommended in FINDING II.

Training Overtime

Another cause of overtime in the Department is training. For example, the Department incurs a significant amount of overtime for its field training program. The Department’s recruits are subjected to a rigorous on-the-job training program. For 14 weeks, field training officers accompany recruits on patrol. During this period, the recruits’ work is closely supervised and evaluated on a weekly basis. Increased overtime occurs during this training because the recruits take longer to complete written reports and in many instances their work must be redone. Furthermore, supervisors must prepare daily observation reports, and prepare and present weekly evaluations on the recruits. In addition, overtime also occurs when

the Department schedules special training sessions for recruits. This can result in overtime for both the recruits and the trainers.

Overtime related to training is another area that is difficult to reduce. The Department's field training program helps provide the City with assurance that its new officers have the requisite skills and personal characteristics to perform as police officers. Although this is a major cause of overtime, the benefits of training seem to outweigh the costs in terms of overtime. In addition, because training must be scheduled before and after shifts, some training overtime is unavoidable.

Standby And Call-Back Overtime

Standby overtime and call-back are also significant causes of Department overtime. As was mentioned earlier, staff in specified units are required to be on-call after their regular work hours and are therefore entitled to overtime compensation. If the standby officer is required to return to duty, he or she is also entitled to call-back overtime.

The Department has virtually no control over this type of overtime. The current MOA specifies the units that are entitled to standby and the number of hours to be charged when someone is on standby. In addition, the Department has little control over the conditions necessitating call-back overtime.

Planned Overtime

The Department also has some planned overtime. Usually, this overtime is for special programs or special events such as parades and civic functions. For example, the Department uses overtime to enforce the City's anti-cruising ordinance. In addition, the Department administers the Truancy Abatement Suppression Program. This program is intended to reduce residential burglaries and school trancies through an intensive day-time patrol program near schools. During 1987-88, the Police Department also administered a downtown traffic control program to reduce traffic problems in those downtown areas under construction. For these activities, the Department uses overtime to supplement its staffing on an as-needed basis. Volunteers provide the staffing by working on their off-duty hours.

Although the Department's planned overtime can be controlled, its benefits seem to outweigh the overtime costs. Moreover, some of this overtime is either Council mandated or is reimbursed.

Non-Sworn Overtime

Non-sworn employees in the Police Department also earn overtime. One cause of overtime for non-sworn personnel is processing various records associated with police work. Due to staff reductions, overtime is sometimes necessary to complete these recordkeeping activities, especially those activities that have deadlines. For example, supplemental arrest reports must be transcribed for use in criminal complaint filings. Therefore, these reports must be completed within 48 hours of an arrest. Another major reason for overtime for non-sworn personnel is holiday compensation. If a

holiday falls on a person's normal day off and that person does not work, they earn overtime compensation at straight time. On the other hand, someone that works a holiday is entitled to overtime at 1.5 times their base pay.

The Department's non-sworn overtime is another area where the Department can exert little control. For example, the Records Unit has many vacant positions which necessitate overtime. Otherwise, the Department's law enforcement efforts may be hindered. In addition, the Department's non-sworn personnel incur overtime for holiday compensation. This overtime is provided for in the non-sworn employees' bargaining agreement with the City. As a result, absent additional non-sworn personnel or changes to the bargaining agreement, there is little the Department can do about these overtime hours.

Other Overtime

The Department also incurs a significant amount of other overtime. In this category, we have included overtime due to 1) meetings conducted either prior to or after normal shift hours, 2) administrative activities and 3) preparing personnel evaluations, recruitment, and briefing preparation.

Although some of the other overtime hours may be unavoidable, some reductions may be possible without impairing the Department's law enforcement efforts. The Department has already taken steps to minimize the overtime resulting from meetings. Specifically, some meetings are now held during normal shift hours or staff are allowed to use flex time for meetings. However, the Department may be able to further reduce other

types of overtime by defining the type of administrative activities that qualify for overtime and developing a written policy to encourage the use of flex-time to accommodate administrative activities.

Questionable Use Of Overtime

Our review identified a few questionable uses of overtime. Some of these questionable uses included overtime to prepare for a crime prevention fundraising event and to produce the Department's newsletter. These questionable uses of overtime do not appear to be pervasive and, in fact, may be for legitimate Department activities. To ensure that overtime is used only for appropriate activities, the Department should develop and implement a written policy that specifies appropriate and inappropriate uses of overtime.

The Department's Overtime Budget Is Inadequate

Our survey of the 10 largest cities in California revealed that, like San Jose, the employees in these other police departments also work many overtime hours. Our survey indicated that San Jose has the State's fourth largest police department. However, San Jose spends significantly less for overtime than the other cities we surveyed. In fact, San Jose paid less non-holiday overtime than all but one city we surveyed. Moreover, San Jose pays the lowest amount of non-holiday overtime per sworn staff of any of the departments we surveyed. For example, in 1987-88, San Jose paid overtime at a rate of \$1,071 per sworn staff, while the other cities we surveyed paid from 2.3 to over 5 times that amount.

TABLE V below compares the amount of non-holiday overtime funds spent in San Jose with the amount of funds spent in the cities we surveyed. TABLE V includes the cities we surveyed, the number of total sworn staff, total department employees, the amount of non-holiday paid overtime funds in 1987-88, the average amount of non-holiday paid overtime per sworn staff and the average amount of non-holiday paid overtime per total staff. For each category on TABLE V, we have included each city's relative ranking (in parenthesis).

TABLE V

**COMPARISON OF SAN JOSE'S POLICE OVERTIME EXPENDITURES
WITH THE OVERTIME EXPENDITURES OF THE OTHER 10 LARGEST
POLICE DEPARTMENTS IN CALIFORNIA**

| <i>City</i> | <i>1987-88 Sworn Staff</i> | <i>1987-88 Total Employees</i> | <i>1987-88 Non-Holiday Paid OT</i> | <i>Non-Holiday Paid OT per Sworn Staff</i> | <i>Non-Holiday Paid OT per Total Staff</i> |
|-----------------|------------------------------------|--|--|--|--|
| Anaheim | 331 (10) | 477 (10) | \$1,088,735 (6) | \$3,289 (4) | \$2,282 (4) |
| Fresno | 395 (8) | 600 (8) | 3 | 3 | 3 |
| Long Beach | 668 (5) | 1,071 (5) | 3,893,513 (3) | 5,829 (1) | 3,635 (1) |
| Los Angeles | 7,350 (1) | 9,903 (1) | 3 | 3 | 3 |
| Oakland | 638 (6) | 1,049 (6) | 3 | 3 | 3 |
| Riverside | 271 (11) | 399 (11) | 1,066,328 (8) | 3,945 (3) | 2,673 (3) |
| Sacramento | 568 (7) | 898 (7) | 2,811,371 (4) | 4,950 (2) | 3,131 (2) |
| San Diego | 1,657 (3) | 2,286 (3) | 4,177,394 (2) | 2,521 (6) | 1,827 (6) |
| San Francisco | 1,973 (2) | 2,827 (2) | 4,878,530 (1) | 2,473 (7) | 1,726 (7) |
| San Jose | 1,008 (4) | 1,303 (4) | 1,079,288 (7) | 1,071 (8) | 828 (8) |
| Santa Ana | 387 (9) | 564 (9) | 1,256,328 (5) | 3,246 (5) | 2,228 (5) |

As is shown in TABLE V, San Jose ranks last or next to last in the non-holiday paid overtime categories. The size of the disparity between San Jose and the other cities is also significant. For example, Long Beach paid over five times more overtime per sworn staff than did San Jose. Similarly, Sacramento paid nearly five times more per sworn staff.

³ Oakland, Fresno, and Los Angeles could not segregate their overtime funds spent on holiday compensation from their regular overtime funds; thus, we did not include them in our analysis.

On TABLE V, holiday compensation has been omitted because the manner in which San Jose and the other cities surveyed compensate their police for holidays complicates any comparison of paid overtime. Specifically, the cities we surveyed have a variety of holiday compensation policies. For example, some cities such as Sacramento and Long Beach do not pay their police any additional compensation for working holidays. Instead, these departments give their sworn personnel compensatory time off. However, other cities we surveyed such as San Francisco, Los Angeles, and San Diego compensate their police with a combination of holiday time off and overtime pay for working holidays. Further complicating this analysis is the fact that San Jose's holiday compensation policy is different than any of the cities we surveyed. In addition, San Jose's holiday compensation policy results in higher cash payments (nearly \$2.4 million in 1987-88) than any other city. This issue of San Jose's holiday compensation is discussed in detail as Other Pertinent Information. In addition, the other cities' holiday compensation policies and holiday overtime expenditures are shown in APPENDIX B, Pages B-2, B-3 and B-5.

The Police Department's Leave Accumulation Policy Contributes To The Compensatory Time Off Problem

The City's compensatory time off accumulation policy also contributes to the Police Department's large compensatory time off balances. As was mentioned earlier, the current Memorandum of Agreement (MOA) between the City and the San Jose Peace Officer's Association (POA) allows sworn personnel to accrue unlimited hours of compensatory time off. The agreement does allow the City to require sworn

staff to take compensatory time off if their balances exceed 500 hours. Furthermore, the agreement allows the City to require individuals with compensatory time off balances between 240 and 500 hours to take time off if all employees with comparable balances are required to reduce their balances by a proportional amount. However, the City cannot require anyone to reduce their balance below 240 hours.

The San Jose Police Department's leave accumulation policy is much less restrictive than other cities' leave policies. All of the other cities we surveyed restrict the amount of leave accruals. In fact, the City of Sacramento does not allow its officers to accrue any compensatory time off. Instead, Sacramento pays for all overtime earned. TABLE VI shows the compensatory time off policies for the cities we surveyed.

TABLE VI

**COMPARISON OF COMPENSATORY TIME OFF ACCUMULATION
POLICIES IN THE OTHER 10 LARGEST CITIES IN CALIFORNIA**

| <u>City</u> | <u>Compensatory Time Off Accumulation Policy</u> |
|---------------|--|
| Anaheim | 80 hours of compensatory time off to be paid down to 40 hours at the end of June |
| Fresno | 96 hours with excess to be paid at the end of each month |
| Long Beach | 120 hours and then all overtime paid |
| Los Angeles | 512 hours before the department can require staff to take time off ⁴ |
| Oakland | 480 hours and then all overtime paid |
| Riverside | 42 hours and then overtime is paid |
| Sacramento | No compensatory time earned |
| San Diego | 80 hours to be paid off on anniversary date |
| San Francisco | 240 hours ⁵ and then the City can require staff to take time off |
| Santa Ana | 80 hours |

⁴ In general, the Los Angeles Police Department (LAPD) strictly enforces the 512 hour maximum. However, according to LAPD officials, exceptions to the policy do occur.

⁵ This limit has been temporarily revised to 300 hours because of budget problems.

As TABLE VI shows, seven cities restrict compensatory time off accruals to 120 hours or less and six of these seven restrict compensatory time off accruals to 96 hours or less. For example, Riverside allows only 42 hours to be accrued and Anaheim, which allows 80 hours, pays its balances down to 40 hours at the end of the fiscal year.

The compensatory time off accumulation policies of the other cities we surveyed have several advantages over San Jose's. Although these other cities have to pay more cash in the year the overtime is incurred, the amount of compensatory time off that must be paid in later years at inflated dollars is minimized. In addition, the amount of lost staff time due to compensatory time off is also minimized.

Compensatory Time Off Policy Has Had A Significant Effect On Manpower

The Department has taken steps to reduce its compensatory time off liability. Specifically, the Department took steps in 1987-88 to reduce its overtime usage by 14,000 hours. In addition, the Department required some employees with large compensatory time off balances to take extended leave. While these steps have had some positive effects, the extended leaves have had a significant effect on manpower in the Police Department. For example, in calendar year 1987, Department staff took 216,065 hours of compensatory time off. This equates to nearly 104 staff years of police service that the Department paid for but did not get. Of this total, sworn personnel used approximately 195,000 hours, or 94 staff years of compensatory time off. This amounts to nearly 10 percent of the Department's sworn force. Stated in other terms, the time off taken in 1987

equates to an average of nearly five weeks of compensatory time off for every sworn person in the Department. Department employees have taken off 126,115 hours through the first 18 pay periods of 1988. Assuming this compensatory time off rate continues over the remaining 8 pay periods, Department employees would use over 182,000 hours of compensatory time off in 1988. Of this total, the Department's sworn staff would use approximately 163,000 hours, or the equivalent of 78 staff years.

It should be noted that compensatory time off is in addition to sick leave, vacation, disability and other types of leave. In 1987, Department employees used 365,000 hours of these types of leave, of which sworn personnel used approximately 276,000 hours. This equates to another 133 staff years for the Department's sworn personnel. When compensatory time and other leaves are combined, the Department lost approximately 227 staff years, or nearly 23 percent of its total sworn personnel in 1987. Similarly, through the first 18 pay periods of 1988, the Department's sworn personnel used approximately 315,000 hours of combined leave, which projects to 455,000 hours or 219 staff years for all of 1988.

Effects Of Lost Staff Time

Lost staff time due to compensatory time off can have serious repercussions for the citizens of San Jose and for the Police Department. Specifically, the Police Department has to accommodate a 10 percent reduction in its staffing levels. Consequently, fewer police are available for patrol and police activities and minimum staffing for different shifts occurs. This situation can result in additional risks for both citizens and police

officers. Moreover, because fewer officers are available to handle normal workloads, more overtime may be required.

Compensatory Time Off Policies Affect Morale

The Police Department has encountered some morale problems because of the reliance on compensatory time off. These morale problems are largely the result of the sometimes conflicting needs of the Department's management and non-management personnel. Specifically, management has established minimum staffing levels and procedures for requesting and approving time off. This is to ensure that adequate resources are available for officers' safety and effective law enforcement. Conversely, non-management personnel have worked many overtime hours for compensatory time off and feel they are entitled to use it. However, during the last year, management has had to deny numerous requests to use compensatory time off because sufficient numbers of officers were not available to maintain minimum staffing levels. This issue has caused some morale problems for the Department.

Our review also identified other compensatory time off related problems. For example, in recent months, management required some staff with large compensatory time off balances to take several months off. However, at the same time, management denied other staff requests for compensatory time off. Some officers view this as unfair or inequitable treatment. Another compensatory time off related problem is that many officers work second jobs. These officers sometime rely on compensatory time off to reduce the stress and fatigue that comes from working two jobs.

When management denies a request for compensatory time off from an officer with a second job, the officer may be frustrated by management's decision.

Policy Changes Needed

The City's reliance on compensatory time off to compensate officers for overtime has had serious repercussions. The most apparent long-term alternative to the current system is for the City to pay for more police overtime and reduce the use of compensatory time off. However, the cost to the City to pay for this alternative would initially be high. For example, it would have cost the City approximately \$5.2 million to pay for the Police Department's 1987-88 overtime. Moreover, this amount will probably be higher in 1988-89 because of the addition of new officers, cost-of-living increases and promotions. In addition, any attempt to reduce the size of the Department's compensatory time off liability will also be costly. For example, if the City were to pay for all Department compensatory time off balances in excess of 500 hours, it would cost approximately \$1,160,000. Furthermore, if the City were to pay down all Department employees to 240 hours it would cost more than twice that amount, or \$2,500,000. Thus, the cost to the City to reduce police officer compensatory time balances in 1988-89 to no more than 240 hours would be approximately \$7,700,000. That is a combination of the overtime earned (\$5,200,000) and the pay-down to 240 hours of compensatory time off per employee (\$2,500,000).

Although it may be costly to pay for additional overtime, the benefits are also significant. Specifically, the Department's effective staffing levels

would increase, thus providing a safer environment for police officers and the citizens of San Jose. Furthermore, the Department's morale problems regarding compensatory time off should be lessened. Finally, paying for overtime may reduce the need for some officers to work second jobs.

There are several issues that must be addressed before any significant changes to the current system can be made. First, the City will have to significantly increase the Department's overtime budget. Given the City's budget condition, several actions should be taken preparatory to any budget actions. Specifically, the Policy Analyst or City Administration should prepare and submit to the City Council a position paper regarding what the City's policy should be regarding maximum police officer compensatory time off balances. In addition, the Administration should submit a budget to the City Council that effectuates any compensatory time off policies the City Council adopts. Further, the Policy Analyst or Administration should look at potential revenue sources that could be used to pay for Police overtime and at police activities for which the City could be reimbursed. Finally, the Administration should consider using some of the Police Department's current reimbursements to pay for police overtime. Currently, these reimbursements are returned to the General Fund and do not directly benefit the Police Department budget.

Another issue that must be addressed is the current MOA between the City and the POA. Any changes to the current system will require the San Jose Peace Officer Association's approval. The current policy allows officers to choose pay or compensatory time off as compensation and does not limit the accumulation of overtime. The current compensatory time off

problem cannot adequately be addressed until the current MOA is modified to require that compensatory time off in excess of a specified limit be paid. The current MOA expires in July 1989. The City and the POA will begin bargaining in the spring of 1989.

CONCLUSION

Our review revealed that the City relies heavily on compensatory time off to compensate its police officers for working overtime. Consequently, the City has incurred a large compensatory time off liability which is now in excess of \$6 million. The three primary causes of this situation are 1) high overtime usage is intrinsic to police work and is difficult to control or reduce; 2) the City does not adequately fund overtime; and 3) the Police Department's leave accumulation policy is less restrictive than other police departments in California. The compensatory time problem has a significant effect on police services. For example, in 1987, the Police Department lost approximately 10 percent of its sworn force to compensatory time off with resultant risk to the citizens of San Jose and police officers. The City Administration or Policy Analyst should submit a position paper on maximum compensatory time off balances to the City Council for approval. Once a police compensatory time off policy is adopted, the Administration should submit budgets to the City Council to implement that policy.

RECOMMENDATIONS:

We recommend that:

Recommendation #1:

The Policy Analyst or Administration prepare and submit to the City Council a position paper regarding what the City's maximum police officer compensatory time off balance policy should be. (Priority 1)

Recommendation #2:

The Administration submit a budget to the City Council that effectuates any police officer compensatory time off balance policies the City Council adopts. (Priority 1)

Recommendation #3:

The Policy Analyst and the City Administration identify potential sources for funding the Police Department's overtime. (Priority 2)

Recommendation #4:

The Policy Analyst and Administration identify and determine the feasibility of charging for specified police services. (Priority 1)

Recommendation #5:

The City Administration consider using the Police Department's current reimbursements to pay for some of the Police Department's overtime. (Priority 1)

Recommendation #6:

The Department develop and implement a policy that specifies appropriate and inappropriate uses of overtime. In addition, the Department should develop a policy for encouraging the use of flex time to minimize the amount of overtime due to administrative activities. (Priority 1)

Recommendation #7:

The Administration work with the San Jose Peace Officers Association to modify the compensatory time accumulation policy in the current MOA to facilitate any policies the City Council adopts. (Priority 1)

FINDING II

THE DEPARTMENT NEEDS TO IMPLEMENT ADDITIONAL CONTROLS OVER PAID OVERTIME AND COMPENSATORY TIME OFF ACCUMULATIONS

The San Jose Police Department has instituted a number of controls and procedures to manage overtime. However, the Department lacks detailed overtime budgets, detailed management reporting, and a system by which estimated overtime usage is compared to actual. Furthermore, managers are not evaluated on their ability to manage overtime. In addition, improvements are needed in the Department's process for authorizing overtime. Absent these controls, the Department's ability to manage and properly authorize overtime is impaired.

The Department's System of Control Needs Improving

A system of control is necessary to provide assurance that management is achieving its objectives. An effective system of control includes the following:

- A predetermined standard or budget of performance;
- Detailed management reporting on performance;
- Comparison of actual performance versus the standard or budget; and
- If necessary, adjustments to the standards of performance or to performance itself.

However, our review found that the Police Department lacks such a system of control for managing its overtime. Specifically, the Department lacks any standard or budget for its expected overtime usage. As a result, it lacks an adequate basis for measuring or assessing its performance in controlling overtime. Consequently, the Department cannot provide assurance that it is effectively managing its overtime.

The Department also lacks adequate management reports on overtime usage. Specifically, the Department lacks detailed management reports that identify the reasons for overtime. Such reports are necessary for management to know where and why overtime is occurring. Currently, this information is only available on timesheets. Without such reports, management lacks necessary information to analyze its overtime and take appropriate steps to reduce the amount of overtime. Thus, management lacks information necessary to effectively manage overtime.

The Department would incur additional costs to implement a detailed reporting system. These costs would be for a clerical person to collect and summarize the necessary information. Another alternative is for the Department to require staff to complete a “Scantron” form containing overtime information. Currently, the Department has the necessary equipment for such a purpose.

Need For More Accountability

The Department could also improve its control of overtime by increasing accountability for overtime use. One method of improving accountability is to evaluate individuals on their ability to manage the

overtime of individuals under their supervision. Currently, the Police Department does not evaluate its managers on their ability to control overtime. As a result, this management area is not given sufficient emphasis. Conversely, managers would probably give overtime management a higher priority if they knew they were being evaluated on their ability to manage overtime and other resources under their control.

**The Police Department Should
Implement Controls To Improve
Its Overtime Authorization Process**

To provide assurance that overtime worked is justified, it should be authorized in advance of the actual occurrence. The authorization process should work as follows: 1) the requesting officer should justify the need, either verbally or in writing, to work overtime, and 2) the officer's supervisor should determine whether overtime is justified and approve or disapprove, either verbally or in writing, the officer's request. This authorization process should be clearly documented with an appropriate overtime form. This form should contain several fields including: the name of the requesting officer, the justification for overtime, the person authorizing overtime, an estimate of the overtime hours to be worked, the number of hours actually worked, the date requested, and the date approved. Such a form provides clear documentation that overtime has been justified and properly authorized.

The 10 Police Departments in California we surveyed all require that overtime be pre-authorized. In addition, all use overtime forms to document

the justification and authorization for overtime. Although these forms differ in style, they all contain the essential information cited above.

Our review found that the San Jose Police Department does not always authorize overtime in advance. Although recently some units have implemented procedures to require either written or verbal authorization for overtime, all overtime is not pre-authorized. For example, several officers we interviewed told us they use their own discretion in deciding whether they work overtime.

In addition, the Department does not use overtime forms to document the justification and authorization for overtime. Instead, the officers document the justification for overtime on their bi-weekly timesheets which their supervisors review and approve. In our opinion, this system has several problems. First, it is extremely difficult or impossible for any supervisor to recall instances of overtime that may have occurred as much as two weeks ago. In addition, the officers' immediate supervisor does not always review the timesheets. Thus, the supervisor reviewing and approving the timesheets may not have any knowledge of the overtime hours being claimed.

CONCLUSION

Our review found that the Police Department needs additional controls to manage its overtime. Specifically, the Department needs to implement detailed overtime budgets, detailed management reporting, and comparison of estimated versus actual overtime usage. Furthermore, Department managers should be held more accountable for overtime usage

in areas under their responsibility. Finally, improvements are needed in the Department's overtime authorization process and in the documenting of the justification for and authorization of overtime.

RECOMMENDATIONS

We recommend that the Department:

Recommendation #8:

Develop annual budget estimates of its total overtime requirements at the program level. (Priority 3)

Recommendation #9:

Develop detailed management reports on its overtime usage. These reports should include total overtime usage by organizational unit and by type of overtime. (Priority 3)

Recommendation #10:

Prepare periodic comparisons of estimated overtime usage to actual overtime usage. (Priority 3)

Recommendation #11:

Follow-up and make inquiries when actual overtime usage significantly exceeds budgeted overtime usage. (Priority 3)

Recommendation #12:

Modify performance evaluations for managers to include provisions for performance on controlling overtime usage. (Priority 3)

Recommendation #13:

Develop written policies and procedures for authorizing overtime. (Priority 3)

Recommendation #14:

Develop and implement forms for documenting the justification and authorization of all overtime occurrences. (Priority 3)

FINDING III

AN OPPORTUNITY EXISTS FOR THE DEPARTMENT TO REDUCE ITS OVERTIME USAGE

Our review identified an opportunity to reduce the Police Department's high overtime usage. Specifically, the Department could reduce lost staff time and overtime that occurs because of transporting and accompanying arrestees to Valley Medical Center.

An Opportunity Exists To Minimize Lost Staff Time At Valley Medical Center

The Police Department spends many regular and overtime hours at Valley Medical Center. Officers must transport and accompany any person arrested that requires medical attention. These arrestees must be treated before they can be booked at the County Jail. At the hospital, the officers may be required to maintain custody of arrestees at all times. Thus, the officers must stay at the hospital until the arrestee has received treatment. According to Department officials, these cases normally involve relatively minor injuries. Further, the hospital does not always provide arrestees with prompt attention. As a result, officers frequently spend several hours awaiting treatment for arrestees.

The hours Police spend at Valley Medical Center by definition reduces the Police hours available for normal law enforcement activities. Furthermore, the delays at Valley Medical Center exacerbate the Department's overtime problem. For example, if the time spent at Valley

Medical Center coincides with the end of an officer's shift, then overtime is necessary. Moreover, after medical treatment is completed, the officer must transport the arrestee to the County Jail for booking and additional overtime is earned.

Our review identified opportunities to reduce the number of hours spent at Valley Medical Center. One possibility is to use existing or additional staff to take custody of arrestees at the hospital. This would allow officers to return to normal duties sooner.

Another possible opportunity to reduce the number of hours spent at Valley Medical Center is for the City to contract with a medical doctor to provide needed medical services at or near the County Jail. The benefits of this alternative are numerous. Specifically, the Department could save time in transporting arrestees to and from the County Jail and Valley Medical Center. While serious injuries would still require transport to Valley Medical Center the time spent waiting for medical treatment for minor injuries would be virtually eliminated. Reducing the time spent at Valley Medical Center would not only reduce overtime but would provide additional police officer time for regular law enforcement activities.

In our opinion, the Department should collect detailed information on the amount of hours officers spent at Valley Medical Center. Specifically, for at least three months, the Department should request officers to record each instance in which they transport and accompany arrestees to Valley Medical Center. Officers should record the total hours spent for each instance, the overtime hours incurred, the time of the day or night, and the

disposition. At the end of the three month period, the Department should report on the following:

- The number of hours of staff time spent transporting arrestees to or from Valley Medical Center;
- Overtime hours incurred transporting arrestees to or from Valley Medical Center; and
- The projected annual costs of police officer time spent transporting arrestees to or from Valley Medical Center.

If the results of the study should warrant further inquiry, the Department and/or the Administration should prepare a report on the costs and benefits of using existing or additional staff to take custody of arrestees at Valley Medical Center. In addition, the Department and/or the Administration should also provide information on the feasibility of housing a doctor at or near the County Jail, the cost of contracting with a physician, and the feasibility of having other Santa Clara County cities cost share with San Jose for the services of a doctor at or near the County Jail.

CONCLUSION

Our review identified an opportunity for the Department to reduce its overtime usage. Specifically, by using existing or additional staff or by employing a doctor at or near the County Jail, the Department could reduce the number of police hours, including overtime hours, that results from transporting and accompanying arrestees to Valley Medical Center.

RECOMMENDATIONS:

We recommend that the Department:

Recommendation #15:

Provide the City Council with a report on the lost police officer hours due to transporting and accompanying arrestees to Valley Medical Center.

Specifically, the Department should report on the following:

1. The number of hours of staff time spent transporting arrestees from or to Valley Medical Center during a three-month study period;
2. Overtime hours incurred transporting arrestees from or to Valley Medical Center; and
3. Projected annual costs of police officer time spent transporting arrestees from or to Valley Medical Center.

Should the results of the three-month study warrant further inquiry, the Department and the Administration should prepare a report on the costs and benefits of using additional or existing staff to take custody of arrestees at Valley Medical Center. In addition, the Department and/or the Administration should:

1. Consider the feasibility of using a contracted physician at or near the County Jail to handle minor medical treatment;
2. Determine the cost of contracting with a physician;

3. Identify any other costs; and
4. Consider the feasibility of having other Santa Clara County cities cost share with San Jose for the services of a doctor at or near the County Jail. (Priority 2)

OTHER PERTINENT INFORMATION

Holiday Compensation For San Jose Police Officers

Article 23 of the MOA defines holiday compensation for San Jose police officers. Under this Article, police officers are compensated for holidays in one of two ways. Specifically, Article 23.1 states in part *“subject to the provisions of 23.2 of this Article, each employee shall be entitled to receive, as a holiday benefit . . . , 3.3847 hours of time off from duty for each bi-weekly pay period”* (11 days annually). Article 23.2 states in part *“If, . . . the City Manager shall find or determine that to give any such benefit (23.1) would seriously impair the efficiency of the Police Department, the City Manager may order that such employee shall receive, in lieu of the holiday benefit to which he/she would otherwise be entitled . . . as extra holiday compensation 5.623% of his regular salary.”* We understand that for the last 20 years the City has not invoked Article 23.1. Instead, it has paid police employees the additional 5.623 percent above their base pay. In 1987-88, the police officer’s holiday compensation amounted to nearly \$2.4 million.

We analyzed the differences in Articles 23.1 and 23.2. The results are shown below on TABLE VII.

TABLE VII
COMPARISON OF THE ANNUAL CASH OUTLAY
AND THE ANNUAL COMPENSATORY TIME OFF
EARNED UNDER ARTICLES 23.1 AND 23.2

| <u>Article</u> | <u>Annual Cash Outlay</u> | <u>Annual Compensatory Time Off</u> |
|----------------|-------------------------------|---|
| 23.1 | \$ -0- | 88,500 Hours ⁶ |
| 23.2 | \$2.4 Million ⁷ | -0- |

As TABLE VII demonstrates, the difference between the two provisions is that under Article 23.1, sworn personnel are not paid for working holidays. Instead, all sworn personnel receive 88 hours or 11 days annually of compensatory time off. Had Article 23.1 been in effect in 1987-88, the City would have incurred approximately 88,500 hours of additional compensatory time off. This equates to approximately 42.5 staff years for the Police Department. Conversely, under Article 23.2, sworn personnel do not receive any time off for holidays. Instead, all sworn personnel are paid for working holidays that fall on their normal work day whether they work or not.

One advantage that Article 23.1 has over the currently used 23.2 is that the City could use the money spent on holiday premium pay to reduce its compensatory time off liability. For example, if 23.1 was in effect in 1987-88, the City would have had an additional \$2.4 million to pay for overtime. Although 23.1 would have increased the Department's compensatory time off by 88,500 hours, our analysis indicates that the

⁶ Based on 1987-88 authorized sworn staffing levels.

⁷ Based on 1987-88 police officer salaries.

resultant savings could have been used to reduce the compensatory time off hours earned by approximately 121,000 hours. Thus, if 23.1 was invoked in 1987-88 and the \$2.4 million not spent on holiday compensation was used to pay for the Department's overtime, the Department would have had sufficient monies to reduce its compensatory time off liability by approximately 32,500 hours.

The major disadvantage of invoking Article 23.1 is that all sworn personnel would have their pay effectively reduced by 5.623 percent. For example, had Article 23.1 been in effect in 1987-88, the Department's sworn personnel would have had their pay reduced by an average of nearly \$2,400 per employee. Such a reduction in pay could cause serious labor problems for the City absent offsetting benefits for the officers. However, any additional dollar compensation for the officers would reduce the benefits of invoking Article 23.1.

[Click On The Appropriate Box To View Item](#)

